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CALIFORNIA CODE OF REGULATIONS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

Division 25. Board of Vocational Nursing and Psychiatric Technicians of the State of California (Originally Printed 7-12-52)

Chapter 2. Psychiatric Technicians Article 1. General Provisions

2560. Location of Offices.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4501, Business and Professions Code.

History:

1. New subchapter 2 (2561-2566, 2570, 2575 and 2590) filed 1-21-60; effective thirtieth day thereafter (Register 60, No. 2).
2. Amendment filed 12-13-68; effective thirtieth day thereafter (Register 68, No. 47).
3. Amendment filed 11-10-72; effective thirtieth day thereafter (Register 72, No. 46).
4. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2561. Tenses, Gender, and Number.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 14.1, Business and Professions Code.

History:

1. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2562. Definitions.

As used in this chapter, unless the context otherwise requires:

- (a) "Board" means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (b) "Code" means the Business and Professions Code.
- (c) "Accredited school for psychiatric technicians," "accredited school," and "school" means a school for the training of psychiatric technicians which has been accredited by the Board pursuant to Sections 4530-4532 of the code (the Psychiatric Technicians Law), and whose graduates, if otherwise qualified, are eligible to apply for a license to practice as a psychiatric technician.
- (d) "Approved equivalency school" and "approved equivalency program" mean a psychiatric technician course approved by the Board pursuant to Section 2575(c) of this chapter, and whose graduates, if otherwise qualified, are eligible to apply for a license as a psychiatric technician.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4501 and 4511, Business and Professions Code.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. New subsection (d) filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment filed 1-14-98; effective thirtieth day after filing (Register 98, No. 3).

2563. Delegation of Certain Functions.

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the business of the Board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in the absence of the executive officer from the office of the Board, the assistant executive officer.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4503, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2564. Filing of Addresses.

All persons holding a license from the Board shall file their current mailing address with the Board at its office in Sacramento, and shall immediately notify the Board of any and all changes of mailing address, within 30 days after the change, giving both their old and new addresses and license number.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4545, Business and Professions Code.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment filed 1-14-98; effective upon filing pursuant to thirtieth day after filing (Register 98, No. 3).

Article 2. Application for License

2565. Form.

Applications for licensure shall be made upon the form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4510 and 4511, Business and Professions Code.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. Editorial correction (Register 84, No. 2).

2566. Place of Filing.

Applications for licensure shall be filed with the Board's principal office in Sacramento.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4501, Business and Professions Code.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2567. Permit Processing Times.

"Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various permits are set forth below. The actual processing times apply to those persons who apply by the specified filing deadlines (if applicable) and who take and pass the first available examination.

<i>Permit</i>	<i>Maximum period of time in which the Board will notify applicant in writing that the application is complete and accepted for filing or that the application is deficient and what specific information is required.</i>	<i>Maximum period of time after the filing of a complete application in which the Board will notify applicant of a permit decision.</i>	<i>Actual Processing Time Based on Prior Two Years</i>		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
Initial License	90 days	365 days	15	30	385 days
Interim Permit	30 days	60 days	30	45	60 days
Renewals -- License	60 days	90 days	30	45	60 days
Continuing Education (CE) Providers	30 days	30 days	1	15	30 days
Blood Withdrawal Certificate	30 days	60 days	1	15	30 days
Blood Withdrawal Course Provider (Initial)	30 days	60 days	1	15	30 days
Blood Withdrawal Course Provider (Renewal)	30 days	60 days	1	15	30 days

Note: Authority cited: Section 2854, Business & Professions Code and Section 15376, Government Code. Reference: Sections 15375 and 15376,

Government Code.

History:

1. New section filed 5-3-91; operative 6-2-91 (Register 91, No. 24).
2. Amendment filed 12-11-92; operative 1-11-93 (Register 92, No. 50).
3. Amendment filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

Article 3. Examinations

2570. Scope of Examinations.

Examinations shall be designed to test the minimal competency of the applicant to safely practice as a psychiatric technician and to protect the health and safety of the consumer.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4510, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2570.1. Failure to Take Assigned Examination.

An applicant who fails to take an assigned examination shall be removed from the eligible list of applicants. To be scheduled for a subsequent examination the applicant shall notify the Board and shall pay the reexamination fee as prescribed by Section 2590 of this Chapter.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4548, Business and Professions Code.

History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
2. Amendment filed 4-12-89; operative 5-12-89 (Register 89, No. 23).

2571. Abandonment of Application.

(a) An application shall be deemed to have been abandoned and the application fee forfeited when:

- (1) The applicant fails to complete the application within two years after it is originally submitted;
 - (2) The applicant fails to complete the application within two years after the last notification of deficiency;
- or

(3) The applicant without good cause fails to take the examination within one year after being scheduled.

(b) An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4512 and 4515, Business and Professions Code.

History:

1. New section filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
3. Amendment of subsection (a) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2572. Examination Procedure.

No one except as authorized by the Board shall solicit, accept, or compile information regarding the contents of written examination questions, either before, during, or after the administration of any examination.

(a) Applications and all required supporting documentation and fees must be received by the Board prior to the applicant being scheduled for examination.

(b) Psychiatric technician programs shall file a transcript of record for each student who completes the course on a form provided by the Board.

(c) Schools shall submit in duplicate a list of all students whose applications for examination are submitted to the Board by the school.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4512, 4513 and 4548, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Editorial correction of subsection (a) (Register 84, No. 2).
4. Amendment filed 7-24-96; effective thirtieth day thereafter (Register 96, No. 30).

Article 4. Licenses

2574. Eligibility for Licensure.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4511, Business and Professions Code.

History:

1. New section filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2575. Equivalent Study and Training.

Persons applying for licensure under this section must meet one of the following:

(a) Completion of 576 hours of theory and 954 hours of supervised clinical experience within the ten years prior to the date of application. Any or all of the supervised clinical experience may be satisfied by paid work experience. The hours of theory and clinical experience shall include a minimum of each of the following:

- (1) 54 hours of theory in pharmacology, covering the content described in Section 2587(a).
- (2) 126 hours of theory and 270 hours of supervised clinical experience in nursing science, covering the content described in Section 2587(b).
- (3) 108 hours of theory and 270 hours of supervised clinical experience in mental disorders, covering the content described in Section 2587(c).
- (4) 108 hours of theory and 270 hours of supervised clinical experience in developmental disabilities, covering the content described in Section 2587(d).

(b) Completion of an armed forces course involving neuropsychiatric nursing and one year of verified work experience in caring for the mentally disordered and developmentally disabled.

(c) Completion of the course described below and completion of a minimum of 18 months of paid work experience in the care of physically ill, mentally disordered, and developmentally disabled patients, within the 36 months prior to the date of application. Curriculum content shall be presented as specified in Section 2587 (a), (b), (c), (e), and (f) of this Chapter. The faculty of such course shall meet the requirements of Section 2584. Facilities utilized for supervised clinical experience shall be approved as provided in Section 2588. The school shall meet the requirements specified in Section 2585. The course must be approved by the Board, and shall include the content described in Section 2587. The course must have a minimum of 450 hours of theory instruction, and the following minimum hours shall be included:

- (1) 54 hours of theory in pharmacology.
- (2) 126 hours of theory and 100 hours of supervised clinical experience in nursing science.
- (3) 108 hours of theory and 100 hours of supervised clinical experience in mental disorders.
- (4) 108 hours of theory and 100 hours of supervised clinical experience on developmental disabilities.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4515, Business and Professions Code.

History:

1. Amendment of section and NOTE filed 9-15-77; effective thirtieth day thereafter (Register 77, No. 38). For prior history, see Register 71, No. 46.
2. Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
3. Amendment of subsection (a)(1)(D) and new subsection (a)(1)(E) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsection (a)(3) and (c) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. Amendment filed 11-20-97; effective thirtieth day thereafter (Register 97, No. 47).

2576. Renewal of License -- Eligibility for Renewal After License Has Expired.

Any person who has been issued an equivalent license in another state during the period since the expiration of a license in California, or can otherwise establish to the satisfaction of the Board, that they are qualified to engage in practice as a licensed psychiatric technician, shall be exempted from such examination requirements.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4515 and 4545, Business and Professions Code.

History:

1. New section filed 12-28-61; effective thirtieth day thereafter (Register 61, No. 26).
2. Amendment filed 12-13-68; effective thirtieth day thereafter (Register 68, No. 47).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2576.5 Scope of Psychiatric Technician Practice

The licensed psychiatric technician performs services requiring technical and manual skills which include the following:

(a) Uses and practices basic assessment (data collection), participates in planning, executes interventions in accordance with the care plan or treatment plan, and contributes to evaluation of individualized interventions related to the care plan or treatment plan.

(b) Provides direct patient/client care by which the licensee:

- (1) Performs basic client care services as defined in subdivision (a);
- (2) Administers medications;
- (3) Applies communication skills for the purpose of patient/client care and education; and
- (4) Contributes to the development and implementation of a teaching plan related to self-care for the patient/client.

NOTE: Authority cited: Sections 4504, Business and Professions Code. Reference: Sections 101.6, 108, 4502, 4503, 4517, 4520, and 4521(a), Business and Professions Code; Section 11215 Health and Safety Code.

HISTORY:

1. New section filed 9-19-96; effective thirtieth day after filing (Register 96, No. 38).

2576.6 Performance Standards

(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by actions which include but are not limited to the following:

- (1) Reporting to the Board unprofessional conduct as defined in Section 4521(a) of the Business and Professions Code;
- (2) Documenting patient/client care in accordance with standards of the profession; and
- (3) Performing services in accordance with Section 125.6 of the Business and Professions Code.

(b) A licensed psychiatric technician shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

- (1) Maintaining current knowledge and skills for safe and competent practice;
- (2) Maintaining patient/client confidentiality;
- (3) Maintaining professional boundaries with the patient/client; and
- (4) Abstaining from chemical/substance abuse.

(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action.

NOTE: Authority cited: Sections 4504, Business and Professions Code. Reference: Sections 101.6, 108, 4502, 4503, 4517, 4520 and 4521(a), Business and Professions Code; Section 11166, Penal Code; and Section 15630(a), Welfare and Institutions Code.

HISTORY:

1. New section filed 9-19-96; effective thirtieth day after filing (Register 96, No. 38).

2577. Gross Negligence.

As set forth in Section 4521 of the code, gross negligence is deemed unprofessional conduct and is grounds for disciplinary action. As used in Section 4521 "gross negligence" means a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensed psychiatric technician, and which has or could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify the belief that there was a conscious disregard or indifference for the health, safety, or welfare of the consumer shall be considered a substantial departure from the above standard care.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521, Business and Professions Code.

History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2577.1. Incompetence.

As set forth in Section 4521 of the code, incompetence is deemed unprofessional conduct and is grounds for disciplinary action. As used in Section 4521, "incompetence" means the lack of possession of and the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by responsible licensed psychiatric technicians.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521, Business and Professions Code.

History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2577.2. Child Abuse Reporting.

Pursuant to Penal Code Section 11166, psychiatric technicians are mandated to report known or suspected child abuse cases to a child protective agency. Failure to make a child abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521(a).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521(a), Business and Professions Code; and Section 11166, Penal Code.

History: 1. New section filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2577.3. Elder Abuse Reporting.

Pursuant to Welfare and Institutions Code Section 9381, psychiatric technicians are mandated to report any known or suspected instance of elder physical abuse to an elder protective agency. Failure to make an elder physical abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521(a).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521(a), Business and Professions Code; and Section 9381, Welfare and Institutions Code.

History:

1. New section filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2577.4. Dependent Adult Abuse Reporting.

Pursuant to Welfare and Institutions Code Section 15630(a), psychiatric technicians are mandated to report any known or suspected instance of dependent adult physical abuse to an adult protective agency. Failure to make a dependent adult physical abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521(a).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521(a), Business and Professions Code; and Section 15630(a), Welfare and Institutions Code.

History:

1. New section filed 2-4-87; effective thirtieth day thereafter (Register 87, No. 6).

2578. Substantial Relationship Criteria.

For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed psychiatric technician if to a substantial degree it evidences present or potential unfitness of a licensed psychiatric technician to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(a) Procuring a license by fraud, misrepresentation, or mistake.

(b) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of the Business and Professions Code.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the Business and Professions Code.

(d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

(e) Conviction of a crime involving fiscal dishonesty.

(f) Any crime or act involving the sale, gift, administration, or furnishing of "narcotics or dangerous drugs or dangerous devices" as defined in Section 4035 of the Business and Professions Code.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 475, 480, 490, 4520, 4521 and 4523, Business and Professions Code.

History:

1. New section filed 4-10-75; effective thirtieth day thereafter (Register 75, No. 15).

2579. Criteria for Rehabilitation.

When considering the denial of a license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his present eligibility for a license, will consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (a) or (b).
- (d) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 488 and 492, Business and Professions Code.

History:

1. New section filed 3-6-73; effective thirtieth day thereafter (Register 73, No. 10).
2. Amendment filed 4-10-75; effective thirtieth day thereafter (Register 75, No. 15).

2579.1. Rehabilitation Criteria for Suspensions or Revocations.

(a) When considering the suspension or revocation of a license on the ground that a licensed psychiatric technician has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(b) Petition for Reinstatement. When considering a petition for reinstatement of a license under the provisions of Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in Section 2579 of this article.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 475, 480, 490, 4520, 4521 and 4523, Business and Professions Code.

History:

1. New section filed 4-10-75; effective thirtieth day thereafter (Register 75, No. 15).
2. Editorial correction (Register 84, No. 2).
3. Renumbered section effective 6-7-95.

2579.2. Citations and Fines -- Content and Service.

(a) The executive officer of the board or his/her designee, in lieu of filing an accusation against any licensee, may issue a citation which may contain an administrative fine and/or order of abatement against that licensee for any violation of law which would be grounds for discipline or of any regulation adopted by the board pursuant thereto.

(b) Each citation shall be in writing, shall indicate the classification of the citation, and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the statute or regulation alleged to have been violated.

(c) The citation may contain an assessment of an administrative fine, an order of abatement fixing a reasonable time for abatement of the violation or both.

(d) The citation shall inform the cited person of the right to an informal conference concerning the matter and of the right to an administrative hearing.

(e) The citation shall be served upon the cited person personally or by certified and regular mail.

NOTE: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.3. Exceptions.

A citation shall not be issued in any of the following circumstances:

- (a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the license

are necessary in order to ensure consumer protection.

(b) The licensee's conduct displayed a conscious disregard for the patient and/or the patient's rights. This includes but is not limited to physical abuse; neglect; fiduciary abuse (as defined in the Welfare and Institutions Code); or the deprivation of care or services which are necessary to avoid physical harm or mental suffering.

(c) The licensee failed to comply with any requirement of any previous citation, including any order of abatement or fine.

(d) The licensee has been previously disciplined by the board or has previously been denied a license by the board for the same or similar actions.

(e) The violation involves unprofessional conduct related to controlled substances or dangerous drugs.

(f) The violation involves unprofessional conduct related to sexual abuse, misconduct, or relations with a patient.

(g) The licensee was convicted of an offense substantially related to the qualifications, functions, and duties of a licensed psychiatric technician and there is insufficient evidence of rehabilitation.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.4. Violation Classifications.

(a) There shall be two classes of violations:

(1) Class "A", and

(2) Class "B".

(b) In determining the violation class, the following factors shall be considered:

(1) Nature and severity of the violation.

(2) Length of time that has passed since the date of the violation.

(3) Consequences of the violation, including potential or actual patient harm.

(4) History of previous violations of the same or similar nature.

(5) Evidence that the violation was willful.

(c) The fine for each class "A" violation shall be not less than \$1,001 nor more than \$2,500. A class "A" violation includes:

(1) A violation which resulted in or could have resulted in patient harm and where there is no evidence that revocation or other disciplinary action is required to ensure consumer safety. Such violations include but are not limited to patient abandonment and falsifying nursing notes.

(2) Any violation which is neither directly or potentially detrimental to patients nor directly or potentially impacts their care. Such violations include, but are not limited to, a violation committed for personal and/or financial gain.

(3) A minor or technical violation which continues for six months or more in duration; or

(4) A minor or technical violation with one or more "B" citations.

(d) The fine for each class "B" violation shall not exceed \$1,000. A class "B" violation is a minor or technical violation which is neither directly or potentially detrimental to patients nor directly or potentially impacts their care and which continues for less than six months duration. Such violations include but are not limited to practicing with an expired license, precharting, charting errors, verbal abuse.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.5. Citations for Unlicensed Practice.

The executive officer of the board or his/her designee may issue citations, in accordance with Section 148 of the Code, against any person (as defined in section 302 of the Code) who is performing or who has performed services for which licensure is required under the Psychiatric Technician Law or regulations adopted pursuant thereto. Each citation issued under this section shall contain an order of abatement. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2. Amendment filed 1-14-98; effective thirtieth day after filing (Register 98, No. 3).

2579.6. Criteria to be Considered in Assessing a Fine.

In any citation which includes a fine, the following factors shall be considered in determining the amount of the fine to be assessed:

- (a) Gravity of the violation.
- (b) History of previous violations of the same or a similar nature.
- (c) The good or bad faith exhibited by the cited person.
- (d) Evidence that the violation was willful.
- (e) The extent to which the cited person cooperated with the board's investigation.
- (f) The extent to which the cited person has remediated any knowledge and/or skills deficiencies which could have injured a patient.
- (g) Any other mitigating or aggravating factors.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.7. Contested Citations.

(a) In addition to requesting a hearing provided for in subdivision (b)(4) of Section 125.9 of the Code, the cited person may, within 14 calendar days after service of the citation, submit a written request for an informal citation review with the executive officer or his/her designee. A request for a citation review shall be deemed a request for an administrative hearing.

(b) The executive officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and his/her legal counsel or authorized representative, if desired.

(c) The executive officer or his/her designee may affirm, modify or dismiss the citation, including any fine or order of abatement, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference.

If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his/her discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.8. Compliance with Citation -- Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the executive officer or his/her designee an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) If a citation is not contested, or if the order is appealed and the person cited does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the person cited.

(d) If a fine is not paid after a citation has become final, the fine shall be added to the cited person's license renewal fee. A license shall not be renewed without payment of the renewal fee and fine.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.9. Notification to Other Boards and Agencies.

The issuance and disposition of a citation shall be reported to other boards of vocational nursing, registered nursing and other regulatory agencies.

NOTE: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 7-27-95; effective thirtieth day after filing (Register 95, No. 30).

2579.10. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.) the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines", (Rev. 6/1/95), see Appendix A after Section 2524. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Section 4504, Business and Professions Code, Section 11425.50(e), Government Code. Reference: Section 4520 and 4521, Business and Professions Code; Section 11425.50(e), Government Code.

HISTORY:

1. New section filed 10-23-96; effective thirtieth day after filing (Register 96, No. 43).

Article 5. Schools for Preparation of Psychiatric Technicians

2580. Accredited Schools for Preparation of Psychiatric Technicians.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4530, 4531 and 4532, Business and Professions Code.

History:

1. New Article 5 (Sections 2581 through 2589) filed 12-28-61; effective thirtieth day thereafter (Register 61, No. 26).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2581. Procedure for Accreditation.

(a) The institution shall apply to the Board for accreditation. Written documentation shall be prepared by the director and shall include:

- (1) Philosophy of the program
- (2) Conceptual framework
- (3) Curriculum objectives
- (4) Course outlines
- (5) Course objectives
- (6) Instructional Plan
- (7) Evaluation methodology for curriculum
- (8) Faculty
- (9) Clinical facilities
- (10) Evaluation methodology for clinical facilities
- (11) Admission criteria
- (12) Number of students
- (13) Evaluation methodology for student progress
- (14) Student policies:
 - (A) Credit granting
 - (B) Attendance
 - (C) Grievance
- (15) Organizational chart
- (16) Proposed starting date

(b) An institution may commence a new psychiatric technician program upon Board approval.

(c) A Board representative shall make a survey visit prior to graduation of the initial class. A program shall not commence another class without prior Board approval.

(d) Accreditation will be granted by the Board when a psychiatric technician program demonstrates that it meets all requirements as set forth in this chapter and in Chapter 10, Division 2, of the Business and Professions Code.

(e) A material misrepresentation of fact by a psychiatric technician program in any information submitted to the Board is cause for denial or revocation of accreditation.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4530 and 4532, Business and Professions Code.

History:

1. Amendment of subsection (d) and new subsection (e) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Amendment filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
4. Repealer and new section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2582. Reports.

(a) The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not accreditation will be continued.

(b) A school shall report to the Board within ten days of the termination of a faculty member.

(c) A material misrepresentation of fact by a psychiatric technician program in any report required by the Board is cause for revocation of accreditation.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4532, Business and Professions Code.

History:

1. Amendment filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
3. New subsection (c) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2583. Faculty -- Report of Changes.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4531, Business and Professions Code.

History:

1. Amendment filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2584. Faculty Qualifications.

(a) A school shall submit qualifications of the proposed faculty members for approval by the Board prior to employment.

(b) Each psychiatric technician program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 2, Article 5 (commencing with Section 2580 et seq.).

(c) Requirements for specific faculty positions are as follows:

(1) **Director:** A director of a psychiatric technician program shall have completed a course or courses offered by an accredited school with instruction in administration, teaching, and curriculum development and shall meet the qualifications of subsection (A) or (B) below.

(A) Registered Nurse

1. Hold a current California active license as a Registered Nurse; and
2. Hold a baccalaureate degree from an accredited school; and
3. Have a minimum of 3 years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or a minimum of three years experience in nursing administration or nursing education within the last five years.

(B) Licensed Psychiatric Technician

1. Hold a current California active license as a psychiatric technician; and
2. Hold a baccalaureate degree from an accredited school; and
3. Have a minimum of three (3) years experience as a psychiatric technician; one (1) year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or approved psychiatric technician school within the last five (5) years; or have a minimum of three (3) years experience in mental health administration or education within the last five (5) years.

(2) **Assistant Director:** An assistant director of a psychiatric technician program shall have completed a course or courses offered by an accredited school with instruction in (1) teaching, (2) curriculum development, and (3) administration, and shall meet the qualifications of subsection (A) or (B) below:

(A) Registered Nurse

1. Hold a current California active license as a Registered Nurse; and
2. Hold a baccalaureate degree from an accredited school; and
3. Have a minimum of 3 years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or

approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or have a minimum of three years experience in nursing administration or nursing education within the last five years.

(B) Licensed Psychiatric Technician

1. Hold a current California active license as a Psychiatric Technician; and
2. Hold a baccalaureate degree from an accredited school; and
3. Have a minimum of 3 years experience as a licensed psychiatric technician; one year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or approved psychiatric technician school within the last five years; or have a minimum of three years experience in mental health administration or education within the last five years.

(3) **Instructor:** An instructor in a psychiatric technician program shall have had or be currently attending a course in teaching and shall meet the requirements of subsection (A) or (B) below:

(A) Registered Nurse

1. Hold a current California active license as a Registered Nurse; and
2. Hold a baccalaureate degree from an accredited school; or a valid teaching credential; or have completed a minimum of one year full-time teaching experience in a state accredited or approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and
3. Have a minimum of 2 years experience as a registered nurse or licensed psychiatric technician within the last 5 years.

(B) Licensed Psychiatric Technician

1. Hold a current active California license as a psychiatric technician; and
2. Hold a baccalaureate degree from an accredited school; or a valid teaching credential; or have completed a minimum of one year full-time teaching experience in a state accredited or approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and
3. Have a minimum of two years experience as a psychiatric technician within the last five years.

(4) **Additional Faculty:** Persons of other disciplines may teach curriculum content as specified in Section 2587(d). Such instructors shall have the qualifications to teach in a community college or a state university in California, or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirements for vocational education credential.

(5) **Teacher Assistant:** A teacher assistant in a psychiatric technician program shall:

(A) Hold a current active California license as a psychiatric technician; and

(B) Have a minimum of two years of experience as a psychiatric technician in the care of mentally disordered or developmentally disabled clients within the last five years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4531, Business and Professions Code.

History:

1. Amendment of subsection (c)(1)(C) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46). For prior history, see Register 71, No. 11.
2. Amendment filed 2-20-76; effective thirtieth day thereafter (Register 76, No. 8).
3. Amendment filed 9-15-77; effective thirtieth day thereafter (Register 77, No. 38).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsection (c) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. Amendment of subsection (c) filed 2-4-87; effective thirtieth day thereafter (Register 87, No. 6).
7. Amendment of subsection (c) filed 4-12-89; operative 5-12-89 (Register 89, No. 23).
8. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
9. Amendment filed 7-24-96; effective thirtieth day thereafter (Register 96, No. 30).
10. Amendment filed 11-20-97; effective thirtieth day thereafter (Register 97, No. 47).

2585. General Requirements.

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program's objectives.

(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours they are assigned to the clinical instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher

assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) Each school shall have on file proof that each enrolled student has completed an approved general education course of study through the 12th grade or evidence of completion of the equivalent thereof.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include methods used for make-up work and criteria for attendance.

(i) The school shall evaluate student performance to determine the need for remediation or removal from the program.

(j) Each school shall advise students, in writing, of the following:

(1) Right to contact the Board of program concerns.

(2) Credit for previous education and experience.

(3) School's grievance policy.

(4) List of Board approved clinical facilities.

(k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:

(1) Sufficient program resources as specified in section 2585(a);

(2) Adequacy of clinical experience as specified in section 2588.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4511.2 and 4532, Business and Professions Code.
History:

1. Amendment of subsection (a) and new subsections (f) and (g) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).

2. New subsection (h) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

3. Amendment of subsection (h) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).

4. Amendment of subsections (g) and (h) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).

5. Amendment of subsection (f) filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).

6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).

7. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

8. Amendment filed 7-24-96; effective thirtieth day thereafter (Register 96, No. 30).

2585.1. Credit for Previous Education and Experience.

Each school shall have a policy, approved by the Board, for giving credit toward the curriculum requirements.

(a) Transfer credit shall be given for related previous education completed within the last five years. This includes the following courses:

(1) Accredited vocational or practical nursing courses.

(2) Accredited registered nursing courses.

(3) Accredited psychiatric technician courses.

(4) Armed services nursing courses.

(5) Certified nurse assistant courses.

(6) Other courses the school determines are equivalent to courses in the program.

(b) Competency-based credit shall be granted for knowledge and/or skills acquired through experience. Credit shall be determined by written and/or practical examinations.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4511.2, Business and Professions Code.
History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2586. Curriculum Hours.

(a) The course for preparation of psychiatric technicians shall consist of not less than 1530 hours or 50 semester units. The course may be offered on a full or part time basis. One hour of instruction for purposes of computing the total hours of instruction or for calculating semester units as specified in this section shall consist of not less than 50 minutes of actual class time.

(b) The course shall consist of not less than 576 hours of theory and 954 hours of supervised clinical experience.

The hours of theory and clinical experience shall include a minimum of each of the following:

	<i>Theory Hours</i>	<i>Clinical Hours</i>
Pharmacology	54	
Nursing Science	126	270
Mental Disorders	108	270
Developmental Disabilities	108	270

(c) The school week shall not exceed 40 hours per week, and the school day shall not exceed 8 hours, including class attendance and clinical experience.

(d) Students may be granted holidays and vacation days equivalent to those granted by community colleges.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4531, Business and Professions Code.

History:

1. Amendment of subsections (b) and (c) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Amendment of subsection (c) filed 7-21-72; effective thirtieth day thereafter (Register 72, No. 30).
3. Amendment of subsection (b) filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsections (a) and (b) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2587. Curriculum Content.

(a) Psychiatric technician programs shall include theory and correlated clinical experience.

(b) The curriculum shall develop the knowledge, skills, and abilities necessary to care for patients of all ages in current health care settings.

(c) The curriculum content shall be taught in a sequence that results in students' progressive mastery of knowledge, skills, and abilities.

(d) The curriculum content shall include:

- (1) Anatomy and physiology
- (2) Nutrition
- (3) Psychology
- (4) Normal growth and development
- (5) Nursing process
- (6) Communication
- (7) Nursing science, which shall include:
 - (A) Nursing fundamentals
 - (B) Medical/surgical nursing
 - (C) Communicable diseases, which shall include but not be limited to Human Immunodeficiency Virus (HIV)
 - (D) Gerontological nursing
- (8) Patient education
- (9) Pharmacology, which shall include:
 - (A) Knowledge of commonly used drugs and their actions
 - (B) Computation of dosages
 - (C) Preparation of medications
 - (D) Principles of administration
- (10) Classifications, treatment programs, and interventions for developmental disabilities.
- (11) Classifications, treatment programs, and interventions for mental disorders, which shall include addictive behaviors and eating disorders.
- (12) Leadership
- (13) Supervision

(e) The following related courses may be taught by other professional instructors:

<i>Courses</i>	<i>Maximum Hours of Instruction by Other Professionals Accepted by the Board</i>
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Anatomy and Physiology	54
Psychology	54
Pharmacology	54
Nutrition	54
Normal Growth and Development	54

(f) All curricular changes that alter the program philosophy, conceptual framework, content or objectives shall be approved by the Board prior to implementation.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4531, Business and Professions Code.

History:

1. Amendment of subsection (b) and (c)(1) filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17). For prior history, see Register 76, No. 23.
2. Amendment of subsection (c)(1) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
3. Amendment of subsection (c)(3) and new subsection (d) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsection (d) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. New subsection (i) filed 4-12-89; operative 5-12-89 (Register 89, No. 23).
7. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
8. Amendment filed 11-20-97; effective thirtieth day thereafter (Register 97, No. 47).

2588. Clinical Experience.

(a) Schools shall apply on a form provided by the Board for approval of each clinical facility prior to use.

(b) Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2587. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experience consistent with competency-based objectives and theory being taught. Clinical objectives which students are expected to master shall be posted in client care areas utilized for clinical experience.

(c) For supervision of clinical experience, there shall be a maximum of 15 students for each instructor.

(d) Schools are responsible for the continuous review of clinical facilities to determine if the students' clinical objectives for each facility are being met.

(e) Fifty percent of the clinical experience may be obtained during the evening shift, except upon determination by the Board that clinical objectives may be met by using additional evening hours.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4531, Business and Professions Code.

History:

1. Amendment of subsections (b) and (d) and repealer of subsection (e) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Amendment of subsection (b) filed 2-2-76 as an emergency; effective upon filing (Register 76, No. 6).
3. Reinstatement of subsection (b) as it existed prior to emergency amendment filed 2-2-76, by operation of Section 11422.1(b), Gov. C. (Register 76, No. 23).
4. Amendment of subsection (b) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
5. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
6. Amendment filed 11-20-97; effective thirtieth day thereafter (Register 97, No. 47).

2589. Transcript of Records.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4513, Business and Professions Code.

History:

1. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

Article 6. Revenue

2590. Fees. [Superseded by statutory provisions. See Section 4548 of the Business and Professions Code.]

The following fees are established:

(a) The application fee is twenty-five dollars (\$25).

(b) The biennial renewal fee is ninety dollars (\$90). The delinquent fee is 50% of the renewal fee in effect at the time of renewal.

(c) Notwithstanding subsection (b), licensees shall renew according to the following schedule:

(1) In 1992, for licensing periods beginning on or after July 1, 1992, licensees with an even birth year shall renew for two years and the biennial renewal fee shall be ninety dollars (\$90). Licensees with an odd birth year shall renew for one year and the annual renewal fee shall be forty-five dollars (\$45).

(2) In 1993, licensees with an odd birth year shall renew for two years and the biennial renewal fee shall be ninety dollars (\$90). Licensees with an even birth year who were initially licensed or renewed between January 1, 1992 and June 30, 1992 shall renew for one year and the renewal fee shall be forty-five dollars (\$45).

(3) On or after January 1, 1994, all renewing licensees shall renew for two years and the biennial renewal fee shall be ninety dollars (\$90).

(d) The reexamination fee for any examination after the first is thirty-five dollars (\$35).

(e) For licensing periods beginning on or after July 1, 1992, the fee for an initial license shall be ninety dollars (\$90). Licenses shall expire at two year intervals on the last day of the month in which the licensee's birthday occurs, beginning with the second birthday following the date on which the license was issued.

(f) The penalty fee for submitting insufficient funds or fictitious check, draft or order on any bank or depository for payment of any fee to the Board is ten dollars (\$10).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 152.6, 4544 and 4548 , Business and Professions Code; and Section 6157, Government Code.

History:

1. Amendment of subsection (b) filed 10-19-77 as an emergency; effective upon filing (Register 77, No. 43). For prior history, see Register 74, No. 31.
2. Amendment of subsection (b) refiled 3-27-78 as an emergency; effective upon filing (Register 78, No. 13).
3. Certificate of Compliance filed 5-9-78 (Register 78, No. 19).
4. Amendment of subsection (b), and new subsection (c) filed 5-18-79; effective thirtieth day thereafter (Register 79, No. 20).
5. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
6. Amendment filed 4-7-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 15).
7. Amendment filed 5-12-92; operative 5-12-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).

2590.1. Provider Fees.

Pursuant to Section 4518 of the Code the application fee for approval as a continuing education provider is one hundred fifty dollars (\$150) every two years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4518, Business and Professions Code.

History:

1. New section filed 5-12-92; operative 5-12-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).

Article 7. Continuing Education

2592.1. Hour Requirements.

(a) Each licensee renewing a license under Section 4544 of the code shall submit proof of having completed, during the preceding two years, thirty (30) hours of continuing education acceptable to the Board.

(b) This section shall not apply to the first license renewal following initial issuance of a license.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.2. Continuing Education Courses.

(a) The Board will accept each hour of theory or course related clinical experience as one (1) hour of continuing education.

(b) Continuing education courses approved by psychiatric technician or nursing licensing agencies of this or of other states, or psychiatric technician or nursing organizations of this or other states, or courses considered comparable by the Board will be accepted.

(c) Courses which are prerequisite to or part of a registered nursing or vocational nursing program, or college and university courses related to the psychiatric technician scope of practice will be accepted.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.3. Course Approval.

(a) Providers applying for approval of a continuing education course must submit written documentation which shall include:

- (1) A description of the subject matter of the course as it relates to recent developments in the psychiatric technician field or in any area of psychiatric technician practice;
- (2) The course objectives;
- (3) Method of instruction;
- (4) Length of the course, date the course will start, total number of hours in the course and the course location;
- (5) Any enrollment restrictions or prerequisites;
- (6) Identification of the course instructor's qualifications, as specified in Section 2592.4;

(b) The Board will issue approval to the provider. A course will not be approved for more than a two year period.

(c) Any material misrepresentation of fact in the application filed by a continuing education provider shall constitute cause for the Board to withdraw its course approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.4. Approval of Course Instructors.

For approval, instructors shall meet two of the following:

(a) Completion of specialized training in the subject matter of the course within two years preceding course approval;

(b) Completion of academic studies related to the subject matter of the course within two years preceding course approval;

(c) Teaching experience in a course with similar subject matter content within the previous two years;

(d) Six months of work experience in the subject matter of the course within the previous three years;

(e) Experience in the development of academic courses within two years preceding course approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.5. Course Completion Certificates and Reporting.

(a) At the completion of the course, the provider shall issue a certificate to each licensee.

(b) At the time of license renewal, the licensee shall provide a written statement indicating (1) the date each course was completed; (2) provider and course number; (3) course title; and (4) total hours of the course.

(c) Licensees are required to maintain a record of continuing education courses taken during the last four (4) years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.6. Inactive Licenses.

(a) A license will be placed on inactive status when the renewal fee is paid and continuing education requirements have not been met.

(b) To reactivate an inactive license the licensee must submit proof of thirty hours of continuing education taken during the preceding two years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.7. Exemption from Continuing Education Requirements.

(a) At the time of making application for renewal, an applicant for exemption from the continuing education requirements shall make written application to the Board.

(b) The applicant must show evidence satisfactory to the Board, that during the two-year period immediately prior to the expiration date of the applicant's license, the licensee:

- (1) Has been residing in another country for a period of one year or longer reasonably preventing completion of continuing education requirements; or
- (2) Has been absent from California because of military or missionary service for a period of one year or longer preventing completion of continuing education requirements; or
- (3) Should be exempt from the continuing education requirements for reasons of health or other good cause which includes:
 - (A) Total physical or mental disability for one year or more and the ability to return to work, as verified by a licensed physician and surgeon or licensed clinical psychologist.
 - (B) Total physical or mental disability for one year or longer of an immediate family member for whom the licensee has total responsibility, as verified by a licensed physician and surgeon or licensed clinical psychologist.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

Article 8. Blood Withdrawal

2593. Blood Withdrawal.

A licensed psychiatric technician applying for certification by the Board to withdraw peripheral venous blood from a patient with a mental illness or developmental disability shall complete and submit an application form supplied by the Board entitled "Application to be Certified in Blood Withdrawal for Psychiatric Technicians" (Form 56C-1, 9/98) hereby incorporated by reference. Applicants may qualify for certification in one of the following ways:

(a) Written verification as submitted to the Board by one of the persons specified in Section 2593.3 that the licensed psychiatric technician is competent in the performance of blood withdrawal procedures according to the subject areas specified in Section 2593.2. Written verification shall be provided on a form entitled "Blood Withdrawal Verification for Psychiatric Technicians" (Form 56C-2, 9/98) hereby incorporated by reference.

(b) Satisfactory completion of a course in blood withdrawal, as defined in Section 2593.2 and taught by an approved course provider as specified in Section 2593.3.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New article 8 (sections 2593-2593.4) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

2593.1. Procedure for Course Provider Approval.

(a) A person or institution applying for approval of a course in blood withdrawal shall complete and submit an application form supplied by the Board entitled "Application to be a Course Provider in Blood Withdrawal for Psychiatric Technicians" (Form 56C-3, 9/98) hereby incorporated by reference that indicates compliance with the course of instruction delineated in Section 2593.2.

(b) A blood withdrawal course of instruction shall be approved by the Board before a course in blood withdrawal is offered to licensees by the provider.

(c) Approval of a psychiatric technician blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New article 8 (sections 2593-2593.4) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

2593.2. Approval of Courses Content.

(a) A course of instruction in blood withdrawal shall be taught by an instructor approved as provided in Section 2593.3 and shall include, but not be limited to, the following:

- (1) Anatomy and physiology pertinent to peripheral venous blood withdrawal.
- (2) Specimen handling:
 - (A) Container and preservative selection;
 - (B) Amount of specimen required;

- (C) Test requirements, including, but not limited to, acceptable time periods from specimen collection to laboratory processing, temperature requirements, and effect of container motion; and
- (D) Patient and specimen container identification techniques.
- (3) Selection of appropriate equipment:
 - (A) Lancet;
 - (B) Syringe;
 - (C) Vacuum tube;
 - (D) Needle (The term "needle" does not include the equipment, methods and procedures used outside of peripheral venous blood withdrawal.); and
 - (E) Safety measures related to equipment.
- (4) Methods of blood withdrawal:
 - (A) Capillary blood withdrawal; and
 - (B) Venipuncture.
- (5) Withdrawal site:
 - (A) Selection;
 - (B) Preparation;
 - (C) Technique(including safety measures to protect patients and staff); and
 - (D) Post-procedure care.
- (6) Sterile technique.
- (7) Universal and standard precautions for infection control;.
- (8) Possible complications.
- (9) Psychological preparation of the patient.
- (10) Practice in peripheral venous blood withdrawal shall include at least 5 successful individually supervised venipunctures on live human subjects and 3 successful individually supervised capillary blood withdrawals on live human subjects.
- (b) The course shall consist of 10 hours theory and 6 hours clinical practice.
- (c) A course will not be approved for more than a two-year period.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New article 8 (sections 2593-2593.4) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

2593.3. Qualifications of Blood Withdrawal Course Instructors.

To be approved by the Board, a course in peripheral venous blood withdrawal for licensed psychiatric technicians shall be taught by one of the following persons:

- (a) A physician and surgeon licensed by the Medical Board of California who within the last five years has had a minimum of 6 months of experience:
 - (1) Performing blood withdrawal; or
 - (2) Teaching courses in blood withdrawal.
- (b) A nurse licensed by the California Board of Registered Nursing who within the last five years has had a minimum of 6 months of experience:
 - (1) Performing blood withdrawal, or
 - (2) Teaching courses in blood withdrawal.
- (c) A clinical laboratory scientist (technologist), licensed by the California Department of Health Services who within the last five years has had a minimum of 6 months of experience:
 - (1) Performing blood withdrawal; or
 - (2) Teaching courses in blood withdrawal.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New article 8 (sections 2593-2593.4) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

2593.4. Reports to the Board that the Licensee is Eligible for Board-Certification.

- (a) The course provider in blood withdrawal for licensed psychiatric technicians shall submit to the Board verification of course completion, which shall include:

- (1) Course title;
- (2) Date of course completion;
- (3) Licensee's name, address, telephone number and psychiatric technician license number;
- (4) Course number issued by the Board; and
- (5) Number of course hours, specified as theory and clinical hours.

(b) The course provider shall maintain a list of all psychiatric technician licensees who have completed the blood withdrawal course within the preceding four years.

(c) A licensed psychiatric technician is deemed to be Board-certified to withdraw peripheral venous blood upon written notification from the Board.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New article 8 (sections 2593-2593.4) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

Article 9. Immunizations and Skin Tests

2594. Immunizations and Skin Tests.

(a) A psychiatric technician, when prescribed by a physician and surgeon, may perform the activities delineated in Section 4502.3 of the Business and Professions Code provided the psychiatric technician has demonstrated competence.

(b) Clinical competence in the administration of immunizations and skin tests by psychiatric technicians shall be determined by a licensed physician and surgeon, physician's assistant, registered nurse, licensed psychiatric technician or licensed vocational nurse who is clinically competent in the performance of the aforementioned procedures.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.3 Business and Professions Code.

History:

1. New article 9 (section 2594) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).